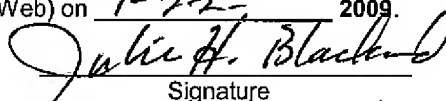


| IN THE UNITED STATES PATENT AND TRADEMARK OFFICE | |
|--|--|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | Atty. Docket No. (Opt.) ZIMM1480 |
| Applicant Bruce M. Frankel | |
| Application Number 10/717,379 | Filed November 19, 2003 |
| For FENESTRATED BONE TAP AND METHOD | |
| Group Art Unit 3775 | Examiner RAMANA, Anuradha |
| Confirmation Number: 6700 | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certification of Transmission Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450 via the U.S. Patent and Trademark Office Electronic Filing System (EFS-Web) on 1-22-2009.


Signature
Julie H. Blackard
Printed Name

Dear Sir,

Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the information listed on the attached SB08A form be considered and cited in the examination of the above-identified application. A copy of U.S. Patent(s) and U.S. Patent Application Publication(s) listed on the attached SB08A form is not being submitted with this Information Disclosure Statement pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i) by the U.S. Patent and Trademark Office.

☐ This Information Disclosure Statement is being submitted within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d).

☐ This Information Disclosure Statement is being submitted within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application;

☐ This Information Disclosure Statement is being submitted before the mailing of a first Office action on the merits; or

☐ This Information Disclosure Statement is being submitted before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

☒ This Information Disclosure Statement is being submitted after the period specified in 37 C.F.R. § 1.97(b) and before the mailing date of any of a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of:

- ☐ The statement specified in 37 C.F.R. § 1.97(e); or
- ☒ The fee set forth in 37 C.F.R. § 1.17(p). Applicant hereby authorizes the Commissioner to deduct the amount of \$180 from Deposit Account No. 50-3183 of Sprinkle IP Law Group for the filing fee of this Information Disclosure Statement.

☐ This Information Disclosure Statement is being submitted after the period specified in 37 C.F.R. § 1.97(c) and on or before payment of the issue fee and is accompanied by:

- ☐ The statement specified in 37 C.F.R. § 1.97(e); and
- ☐ The fee set forth in 37 C.F.R. § 1.17(p). Applicant hereby authorizes the Commissioner to deduct the amount of \$180 from Deposit Account No. 50-3183 of Sprinkle IP Law Group for the filing fee of this Information Disclosure Statement.

Pursuant to 37 C.F.R. § 1.97(e), Applicant hereby states:

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

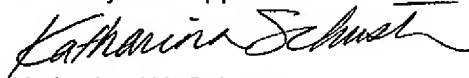
☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that a search has been made or that this information is material to patentability of the present application.

Applicant respectfully submits that the claims of Applicant's above-referenced patent application are patentably distinguishable from the listed information.

Respectfully submitted,

Sprinkle IP Law Group
Attorneys for Applicant



Katharina W. Schuster
Reg. No. 50,000

Dated: **January 22, 2009**
1301 W. 25th Street, Suite 408
Austin, Texas 78705
Tel. (512) 637-9220
Fax. (512) 317-9088